

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

JUNE 3, 2009

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

REGULAR MEETING – 6:00 P.M.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:00 p.m.

ROLL CALL

Councilmembers present:	McCoy, King
Mayor present:	Janney
Mayor Pro Tem present:	Bragg
Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

None.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/ REPORTS ON ASSIGNMENTS AND COMMITTEES

COUNCILMEMBER MCCOY reported that there was a cross border discussion on climate change at the recent Borders Committee meeting.

COUNCILMEMBER KING reported that the South County Economic Development Council released a summer fun calendar that contains events in the South Bay; events in I.B. included the Miss I.B. pageant on June 6, Senior Center Resource Fair on June 12, Loews Coronado Surf Competition on June 20, and a sunset mini concert at the Palm Ave. street end on June 28.

MAYOR PRO TEM BRAGG announced attendance at the Memorial Day service event at Veteran's Park and thanked the service organizations for hosting the event; she reported on the MTS meeting where the operating budget for 2010 was approved; she attended the League of California Cities conference with Councilmember King; she announced that the Miss I.B. Pageant is scheduled for June 6 and the Relay for Life and the St. Charles Parish Bazaar is scheduled for this weekend.

MAYOR JANNEY reported on the League of California Cities Executive conference.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

None.

ORDINANCES/PRESENTATIONS (1.1)

1.1 PROCESS TO FILL VACANCY ON THE CITY COUNCIL. (0430-05, 0430-30 & 0430-65)

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LOUGH reviewed the process for filling the vacancy on the City Council.

SERGE DEDINA expressed concern about a notice of vacancy that was posted by the City Clerk and City Manager; he expressed concern that the Brown Act may have been violated; and he spoke in support of an application process or an election (additional speaking time donated by Emily Young).

STEVE FUTTERMAN requested that the nomination of Diane Rose be rescinded.

JOHN HAUPT spoke about the prohibition of short term rentals by the previous administration and asked the City Council to consider the election of another person.

TIM O'NEAL stated that by appointing Ms. Rose, the noticing and process for electing government was taken away; and spoke in support of an election.

MIRIAM IOSUPOVICI expressed concern about the noticing and process for appointment of Ms. Rose, and she asked that City Council reconsider and reopen the appointment.

MICHEL DEDINA requested that the City Council prepare a timeline explaining the history of events; he also requested that the appointment process be codified into the City's Municipal Code in order to avoid a similar situation in the future.

CANDACE UNGER opposed the item (was not available to speak).

ALBERT KNECHT stated that he did not give up his right to vote; he expressed interest in submitting an application for the vacancy; he requested Ms. Rose rescind her nomination and have the community elect someone into the position.

JOHN CARR suggested that City Council look at previous City Council candidates and offer the seat to the person with the next highest number of votes.

MIKE BIBBEY stated that he expressed interest in submitting an application and was surprised that applications were not being accepted; he asked City Council to rescind the nomination of Ms. Rose.

BOB MILLER expressed appreciation for City Council and staff for serving the community; he stated that the City is privileged to have Ms. Rose to apply and be nominated for the position; he spoke of her qualifications and spoke in support of continuing the process of her becoming a new councilmember.

Council discussion ensued regarding the process, the costs of an election and the desire for all interested citizens to run for election in November 2010, and the hope that by appointing Ms. Rose the Council and community can keep moving forward; and they addressed the public's concerns.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2009-1087.

CITY CLERK HALD read the title of Ordinance No. 2009-1087 – "An ordinance of the City Council of the City of Imperial Beach, calling and giving notice of the holding of a Special Municipal Election to be held on Tuesday, November 2, 2010, for the election of one member of the City Council for the remainder of a four-year term which expires November 2012, and providing that a person appointed to fill the vacancy holds office only until the November 2, 2010 Special Election."

MOTION BY MCCOY, SECOND BY BRAGG, TO WAIVE FURTHER READING, INTRODUCE, PASS AND ADOPT ORDINANCE NO. 2009-1087 BY TITLE ONLY. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSTAINED:	COUNCILMEMBERS:	KING

COUNCILMEMBER KING clarified that he was not opposed to an election but would rather have it further down the road; and stated that he is abstaining because the process could have been done differently due to the vacancy notice being published.

MOTION BY BRAGG, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2009-6768 – REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO HOLD A SPECIAL MUNICIPAL ELECTION ON NOVEMBER 2, 2010, AND TO CONSOLIDATE THAT MUNICIPAL ELECTION WITH THE NOVEMBER 2, 2010 STATEWIDE ELECTION PURSUANT TO §10403 OF THE ELECTIONS CODE. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSTAINED:	COUNCILMEMBERS:	KING

MOTION BY BRAGG, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2009-6769 – APPOINTING DIANE ROSE TO FILL THE VACANCY IN THE OFFICE OF CITY COUNCILMEMBER FRED MCLEAN. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSTAINED:	COUNCILMEMBERS:	KING

DIANE ROSE stated that she came forward to offer her services because she felt it was the right thing to do and she is humbled by City Council's acceptance of her offer.

CITY CLERK HALD presented a Certificate of Appointment and administered the Oath of Office to Ms. Rose who was then inducted into the respective office of Member of the City Council.

MAYOR JANNEY presented Councilmember Rose with a City of Imperial Beach lapel pin and thanked her for stepping forward and offering her services to the City.

COUNCILMEMBER MCCOY expressed appreciation to Councilmember Rose for previous service to the City and stated that she is proud to serve with her once again.

CONSENT CALENDAR (2.1 - 2.6)

MAYOR JANNEY announced public relations activities performed by j. simms agency in 2007 and 2008, provided in response to a request from a member of Council, was submitted as Last Minute Agenda information for Item No. 2.6.

MOTION BY MCCOY, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.2 THROUGH 2.6. MOTION CARRIED UNANIMOUSLY.

WITH REGARD TO ITEM NO. 2.1, MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, KING, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSTAINED:	COUNCILMEMBERS:	ROSE

2.1 MINUTES.

Approved the minutes of the regular City Council Meeting of May 6, 2009.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 68724 through 68817 with the subtotal amount of \$814,704.03; and Payroll Checks 41057 through 41111 for the pay period ending 05/07/09 and Payroll Checks 41112 through 41171 for the pay period ending 05/21/09 with the subtotal amount of \$313,909.09; for a total amount of \$1,128,613.12.

2.3 RESOLUTION NO. 2009-6763 – ADOPTING THE NEW DISADVANTAGED BUSINESS ENTERPRISE (DBE) RACE CONSCIOUS AND RACE NEUTRAL PROGRAM AGREEMENT AND ANNUAL ANTICIPATED DBE PARTICIPATION LEVEL (AADPL) FOR FEDERAL FISCAL YEAR 2009-2010. (0380-08)

Adopted resolution.

2.4 RESOLUTION NO. 2009- 6766 – AUTHORIZING A TWO-YEAR AGREEMENT BETWEEN THE CITY OF IMPERIAL BEACH AND JESSOP AND SON LANDSCAPING & TURF CARE FOR SPORTS PARK MAINTENANCE SERVICES. (0920-40 & 0940-10)

Adopted resolution.

2.5 RESOLUTION NO. 2009-6764 – CONTINUING THE EMPLOYMENT OF CITY MANAGER GARY R. BROWN UNDER THE SAME TERMS AND CONDITIONS OF HIS EXISTING EMPLOYMENT AGREEMENT. (0530-60)

Adopted resolution.

2.6 RESOLUTION NO. 2009-6767 – APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH THE J. SIMMS AGENCY FOR PUBLIC RELATIONS SERVICES. (0160-05)

Adopted resolution.

ORDINANCES – PUBLIC HEARING/INTRODUCTION/FIRST READING (3.1)

3.1 ORDINANCE NO. 2009-1086 – ADOPTING THE REVISED SEWER SERVICE RATES FOR SANITARY SEWER SERVICE AND AMENDING SECTION 13.06.140.B OF CHAPTER 13.06 OF THE IMPERIAL BEACH MUNICIPAL CODE PERTAINING TO SEWER SERVICE CHARGES - DESIGNATED. (0830-95)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item; he reported that this is the 5th year of the 5 year projection study and the last of the 5.5% rate increase as scheduled by that study; he added that the study called for a rate increase based on a CPI for the next fiscal year.

MARY CRIST questioned who pays for the sewer charges if property tax bills are unpaid, since the sewer charges appear on the property tax bills.

CITY ATTORNEY LOUGH responded that a lien can be placed on the property to pay back the sewer fund.

MAYOR JANNEY closed the public hearing, and called for the reading of the title of Ordinance No. 2009-1086.

CITY CLERK HALD read the title of Ordinance No. 2009-1086 – “An Ordinance of the City Council of the City of Imperial Beach, California, adopting the revised sewer service rates for sanitary sewer service and amending section 13.06.140.B of Chapter 13.06 of the Imperial Beach Municipal Code pertaining to sewer service charges – designated.”

CITY ATTORNEY LOUGH announced the Maximum Single Family residential rate cap should be corrected to read \$743.00 on the staff report and ordinance.

MOTION BY KING, SECOND BY BRAGG, TO WAIVE FURTHER READING AND DISPENSE WITH THE INTRODUCTION OF AMENDED ORDINANCE NO. 2009-1086 BY TITLE ONLY AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5.1)

5.1 KAMAL NONA (OWNER)/STOSH THOMAS (ARCHITECT); CONDITIONAL USE PERMIT (CUP 060398), DESIGN REVIEW (DRC 060399), SITE PLAN REVIEW (SPR 060400) FOR TWO MIXED USE DEVELOPMENTS WITH TWO RETAIL COMMERCIAL SPACES AND TWO RESIDENTIAL UNITS FOR EACH DEVELOPMENT (FOUR COMMERCIAL AND FOUR RESIDENTIAL UNITS TOTAL) LOCATED AT 1120, 1122 13TH STREET AND 1150, 1152 13TH STREET, IN THE C-3 (NEIGHBORHOOD COMMERCIAL) ZONE. MF 863. (0600-20)

MAYOR JANNEY declared the continued public hearing open.

CITY MANAGER BROWN introduced the item; he announced that a request from the applicant to continue the public hearing was submitted as Last Minute Agenda Information; he also noted that should City Council hear the item tonight, Councilmember Rose would not participate as she has not listened to the recording of the item when it was last discussed; staff recommended continuance of the item.

FERAS (RUSTY) BARGHOUT requested the public hearing be continued beyond two weeks to ensure that there is enough time for City Council to visit the job site and familiarize themselves with the project.

KAMAL NONA, applicant, supported continuance of the public hearing to June 17, 2009.

MOTION BY MCCOY, SECOND BY KING, TO CONTINUE THE PUBLIC HEARING TO JUNE 17, 2009. MOTION CARRIED UNANIMOUSLY.

REPORTS (6.1)

6.1 CLEAN AND GREEN PROGRAM – UPDATE. (0640-95)

COUNCILMEMBER ROSE announced that she had a potential conflict of interest on the item and left Council Chambers at 7:15 p.m.

The following documents were submitted as Last Minute Agenda Information:

- a. Expenditures by improvement type, dated June 2, 2009.
- b. Expenditures by business location, dated June 2, 2009.

CITY MANAGER BROWN introduced the item.

REDEVELOPMENT COORDINATOR SELBY gave a PowerPoint presentation containing the information submitted as Last Minute Agenda Information; he reported that there is funding available to contribute towards the program every year; he reviewed the process and procedures; he spoke about the benefits of the program, such as energy and water conservation.

MAYOR PRO TEM BRAGG spoke in support of increasing use of local businesses.

MAYOR JANNEY requested that staff implement procedures to ensure that there is adherence to guidelines and laws as projects are processed and completed.

CITY MANAGER BROWN announced the xeriscape project in front of City Hall is underway.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 7:52 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk